

why then, Americans will be taxed much more severely. For countries outside the club that want to sell steel and aluminum, Americans will have to pay 25 to 70 percent taxes on those purchases.

This idea has all kinds of very serious problems. First and foremost, it is a completely unbridled overreach of authority by the executive branch.

The Office of the U.S. Trade Rep is clearly asserting that that Office has power to establish carbon emissions policy for the United States and our trading partners. The last time I checked, even the EPA doesn't have that authority. Where does the USTR come off with this? They are also abusing the conditionally delegated national security powers to enact this sweeping tariff policy, which is the responsibility of Congress.

Second is that the economic harm from this proposal is going to significantly compound the harm inflicted by the current 232 tariffs that are already in place. First, it will result in a regime of increasingly managed trade in steel and aluminum that will probably benefit a handful of select producers and be a huge loss to everyone else. It will hit many of our allies with increased tariffs, and that will result in retaliation against American exports. It will devastate American manufacturers and downstream users who rely on steel and aluminum inputs for their business. Most importantly, it is going to dramatically raise prices for consumers at a time when inflation is still out of control.

What makes this whole scenario really particularly egregious is that Congress never once voted on it—not once. Not one of my colleagues in this body or the other had the opportunity to go on record either for or against these or, in fact, had any meaningful say on this. Now, I suspect some of my colleagues are perfectly OK with that.

As I warned my colleagues on both sides of the aisle years ago, this abuse of section 232 will haunt us like a protectionist Frankenstein unless Congress reins in executive abuse of this law.

Let me be clear. It is never appropriate for a President of either party to use national security authorities to achieve unrelated policy goals. To be dishonest about what is really going on here is not acceptable.

Past Presidents used to understand this. Prior to President Trump, the last time a U.S. President used section 232 to restrict trade was back in 1986. Since the Trump administration, we have seen these national security investigations, which is the precursor they need to check their box so that they can impose these tariffs. We have seen these investigations on uranium, titanium sponge, power transformer components, vanadium, magnets, and then perhaps most absurdly, automobiles and car parts, because I suppose if you drive a Toyota in suburban Philadelphia, that makes you a threat to American national security.

As George Will asked in a 2019 column lamenting executive overreach under this very section of our trade law—he said:

What's next, a tariff on peanut butter?

Well, it turns out we already have pretty high tariffs on peanut butter, but now we are going to raise tariffs—taxes—even higher on steel and aluminum and use trade law to enact climate policy while we are at it.

It is well past time for Congress to reassert and to accept its constitutional responsibility over trade and tariffs. We can do that by requiring that the new section 232 tariffs, including the Biden administration's carbon plan—that before they go into effect, they have to be approved by Congress. What is wrong with that? The Constitution says it is our responsibility. Why not require an up-or-down vote in Congress before these taxes can go into force?

I have introduced bipartisan legislation that will do exactly that. But if we fail to act, our constituents are going to keep on paying ever more expensive prices.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHATZ). The Senator from California.

#### MARTHA WRIGHT-REED JUST AND REASONABLE COMMUNICATIONS ACT OF 2022

Mr. PADILLA. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 657, S. 1541.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1541) to amend the Communications Act of 1934 to require the Federal Communications Commission to ensure just and reasonable charges for telephone and advanced communications services in correctional and detention facilities.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Martha Wright-Reed Just and Reasonable Communications Act of 2022".*

##### SEC. 2. TECHNICAL AMENDMENTS.

(a) *IN GENERAL.*—Section 276 of the Communications Act of 1934 (47 U.S.C. 276) is amended—

(1) in subsection (b)(1)(A)—

(A) by striking "per call";

(B) by inserting "and all rates and charges are just and reasonable," after "fairly compensated";

(C) by striking "each and every";

(D) by striking "call using" and inserting "communications using"; and

(E) by inserting "or other calling device" after "payphone"; and

(2) in subsection (d), by inserting "and advanced communications services described in subparagraphs (A), (B), (D), and (E) of section 3(1)" after "inmate telephone service".

(b) *DEFINITION OF ADVANCED COMMUNICATIONS SERVICES.*—Section 3(1) of the Commu-

nications Act of 1934 (47 U.S.C. 153(1)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following:

"(E) any audio or video communications service used by inmates for the purpose of communicating with individuals outside the correctional institution where the inmate is held, regardless of technology used."

(c) *APPLICATION OF THE ACT.*—Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by inserting "section 276," after "sections 223 through 227, inclusive,".

##### SEC. 3. IMPLEMENTATION.

(a) *RULEMAKING.*—Not earlier than 18 months and not later than 24 months after the date of enactment of this Act, the Federal Communications Commission shall promulgate any regulations necessary to implement this Act and the amendments made by this Act.

(b) *USE OF DATA.*—In implementing this Act and the amendments made by this Act, including by promulgating regulations under subsection (a) and determining just and reasonable rates, the Federal Communications Commission—

(1) may use industry-wide average costs of telephone service and advanced communications services and the average costs of service of a communications service provider; and

(2) shall consider costs associated with any safety and security measures necessary to provide a service described in paragraph (1) and differences in the costs described in paragraph (1) by small, medium, or large facilities or other characteristics.

##### SEC. 4. EFFECT ON OTHER LAWS.

Nothing in this Act shall be construed to modify or affect any Federal, State, or local law to require telephone service or advanced communications services at a State or local prison, jail, or detention facility or prohibit the implementation of any safety and security measures related to such services at such facilities.

Mr. PADILLA. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1541), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### LOW POWER PROTECTION ACT

Mr. PADILLA. Mr. President, I also ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 659, S. 3405.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3405) to require the Federal Communications Commission to issue a rule providing that certain low power television stations may be accorded primary status as Class A television licensees, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee